GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Establishment – Water Resources Department – Andhra Pradesh Engineering Service - Compliance of order, dated: 18-2-2016 in Civil Appeal No.4142 of 2004, and order, dated: 14-7-2017, in Contempt Petition (C) No.770/2016 of Hon'ble Supreme Court of India –– Notional promotion / promotion to certain Superintending Engineers as Chief Engineers for the Panel Years 2007 -2008 to 2017-2018 - Orders - Issued.

WATER RESOURCES (SERVICES.II) DEPARTMENT

G.O.Ms.No. 72 Dated: 07.11.2017
Read the following:

1. From the Hon'ble Supreme Court of India, order, dated: 18-2-2016 in Civil Appeal No.4142 of 2004, and order, dated: 14-7-2017 in Contempt Petition (C) No.770/2016.
2. From the Engineer-in-Chief (AW), Water Resources Department, A.P., Vijayawada, Lr.No.RC/ E.N.C./B.317080/2014-2, Dated: 27-9-2017.
3. Government Memo No.16021/69/Ser.II/2017, Dated: 17.10.2017.
4. From the Engineer-in-Chief (AW), Water Resources Department,A.P., Vijayawada, Lr.No.RC/ E.N.C./B.317080/2017-3/CEs, Dated: 20.10.2017.
5. G.O.Ms.No.67, Water Resources(Ser.II) Department, Dated: 23.10.2017
6. G.O.Ms.No.70, Water Resources(Ser.II) Department, Dated: 03.11.2017
7. U.O.Note No.5161/Ser.E/A1/2017-2, General Administration (Ser.E) Departrment, Dated: 07.11.2017

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O R D E R:

Due to seniority disputes, and pending Court cases in various judicial forums including the Supreme Court of India, in Water Resources Department, no regular promotion process could be taken up for a certain period. Later recognising the need to run the administration smoothly, Government resorted to fill up the posts in various categories, viz., Executive Engineer, Superintending Engineer, Chief Engineer and Engineer-in-Chief from time to time by way of in-charge arrangements till now in relaxation of Rule 10 (h) of the Andhra Pradesh State and Subordinate Service Rules, since 2001.

2. While the above practice has been in vogue, through its order, dated: 18-2-2016 mentioned in the orders first read above, Hon'ble Supreme Court of India while setting aside the relevant orders of the Hon'ble Courts below on the seniority disputes etc., has finally ordered, Inter alia as follows:

> ***…"we are, therefore, concerned to examine the issue and having noted the above features wherein the Tribunal exceeded its jurisdiction by interfering with certain service conditions of all the temporary employees whose services came to be regularized under G.O. MS. No. 647, dated 14.09.1979 by simply drawing a comparison with the relief granted in the decision reported in 1993 (Supple) 3 SEC 425 who are governed by the earlier direction issued in the case of I.J. Diwakar's in the decision reported in 1982 (3) SCC 341 who were all directly selected and appointed in the selection made by the APPSC from the open market and whose case was nowhere comparable to those of temporary employees who are exclusively governed in G.O. MS. No. 647 and the subsequent G.O. 532 dated 31.10.1983. We are therefore, obliged to interfere with the judgment as well as the order of the Tribunal. Consequently, the appeals are allowed. The impugned judgment of the Tribunal dated 25th June, 1999 in a batch of Original Applications commencing from O.A. No. 5667 of 1993 and the order of the full Bench of High Court of Andhra Pradesh dated 21st November, 2003 in W.P. Nos. 17497, 18319, 18681 and 19041 of 1999 and W. P. No. 1793 of 2001 is set aside and it the service conditions of the temporary employees governed under G.O. MS. No. 647, dated 14.09.1979 were altered in any manner based on the order of the Tribunal the official respondents are directed to reverse the same and rework the benefits to be granted the appellants in accordance with law. Any action taken pursuant to the judgment of Tribunal is also set aside.***
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> ***The appeals are allowed with the above directions".***

3. Accordingly, the Provisional Seniority Lists of Assistant Executive Engineers were prepared by the Engineer-in-Chief (AW) in six different batches (1st batch is Zone.I to VI, and the remaining

batches are Zone.I to IV) placed on website www.irrigationap.cgg.gov.in duly calling for the objections. Objections received on the Provisional Seniority lists were disposed and the final seniority list of AEEs from 1978 IJD batch, 1978 PSC L R & G.O.647 interspersed with A/T AEEs and other batches were placed on the website. Subsequently, the Engineer-in-Chief (AW) has finalized notional promotions of A.E.Es to the post of Dy.E.Es. Basing on the final seniority list emerged by virtue of implementation of the order of the Supreme Court of India, the Engineer-in-Chief (AW) has submitted a proposal for considering certain names of the eligible Deputy Executive Engineers for notional promotion to the post of Executive Engineer for the Panel Years 2001-2002 to 2012-2013. After careful examination, Government vide the reference fifth read above have ordered notional promotions / promotions to the eligible Deputy Executive Engineers to the post of Executive Engineer for the Panel years 2001-2002 to 2012-2013**.**

4. Further, the Engineer in-Chief (AW) through his letters second and fourth read above has furnished proposal for regularization of the In-charge arrangements in the cadre of Superintending Engineer / Chief Engineer for the panel years from **2004 -2005 to 2017-2018 and 2007-2008 to 2017-2018** respectively. After examination, proposal has been placed before the Departmental Promotion Committee constituted by Government for considering the names of eligible persons for notional promotion / promotion to the post of Superintending Engineer. The Committee in its meeting held on 03.11.2017, has recommended for inclusion in the Panels the names of those Executive Engineers suitable for promotion to the category of Superintending Engineer for the panel Years **2004 -2005 to 2017-2018** subject to the result of the W.P.No.4807/2016 pending in the High Court including those to be deferred / passed over etc. Accordingly, orders issued vide reference sixth read above.

5. Subsequently, the proposal for regularization of the In-charge arrangements in the cadre of Chief Engineer for the panel years from **2007-2008 to 2017-2018** has been placed before the Departmental Promotion Committee constituted by Government for considering the names of eligible persons for notional promotion / promotion to the post of Chief Engineer. The Committee in its meeting held on 07.11.2017, has recommended for inclusion in the Panels the names of those Superintending Engineers suitable for promotion to the category of Chief Engineer for the panel Years **2007-2008 to 2017-2018** subject to the result of the W.P.No.4807/2016 pending in the High Court including those to be deferred / passed over etc., and the same are received through the reference seventh read above.

5. After careful examination of the matter, and with a view to comply with the orders of Hon'ble Supreme Court of India, Government have decided to approve the recommendations of the Departmental Promotion Committee for considering the names of the eligible Superintending Engineers for notional promotion / promotion to the post of Chief Engineer for the Panel years **2007-2008 to 2017-2018**. Accordingly, the recommendations of the Departmental Promotion Committee for the Panel years **2007-2008 to 2017-2018** are hereby approved.

6. Consequently, Government also hereby order notional promotions/ promotions to the above Superintending Engineers to the post of Chief Engineer for the Panel years **2007-2008 to 2017-2018 (6 Panel Years) as annexed to this order** subject to the result of the W.P.No.4807/2016 pending in the High Court and subject to the result of the other cases, if any pending, before the judicial forums on the subject matter.

7. The Engineer-in-Chief (AW), Water Resources Department, Andhra Pradesh Vijayawada shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHASHI BHUSHAN KUMAR
SECRETARY TO GOVERNMENT

To:
The Engineer-in-Chief (AW), Water Resources Department, A.P., Vijayawada.
Copy to the Director of Treasuries & Accounts, Andhra Pradesh, Vijayawada,
Copy to the Accountant General, A.P., Hyderabad.
Copy to the General Administration (Ser.E) Department, A.P. Secretariat, Velagapudi.
S.F./S.C.

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE I to G.O.Ms.No.72, Water Resources (Ser.II) Department, Dated:07.11.2017

Sl. No.	Panel Year	Name of the Superintendent Engineer S/Sri/Smt.	Date of Birth	Date of Notional Promotion/Promotion as Chief Engineer
1.	**2007-08**	J.GANGADHARA SASTRY	01.07.1950	01.09.2007
2.	**2008-09**	B. PRATAP BABU-SC	12.05.1952	06.10.2008
3.	2008-09	K. SATYANARAYANA	19.02.1953	06.10.2008
4.	2008-09	A.V.S. KARUNAKARA RAO	01.07.1953	06.10.2008
5.	2008-09	S. SHANKAR RAO	06.02.1953	06.10.2008
6.	2008-09	P.B.V.S. PRASAD	20.06.1955	06.10.2008
7.	2008-09	K. SRINIVASULU REDDY	20.11.1955	06.10.2008
8.	2008-09	K. SHYAM PRASAD	27.01.1953	06.10.2008
9.	2008-09	A.SURYA BHASKAR RAO	15.08.1953	06.10.2008
10.	2008-09	K.C.H. VENKATA SWAMY	15.06.1954	06.07.2009
11.	2008-09	K. JAYAPRAKASH	15.07.1956	06.07.2009
12.	2008-09	P. GOPALA KRISHNA	02.07.1951	06.07.2009
13.	2008-09	A.VENKATA RAMANA	04.12.1951	06.07.2009
14.	2008-09	M. JANARDHANA	01.04.1952	06.07.2009
15.	**2011-12**	K. JALANDAR-ST	01.07.1961	02.04.2012
16.	**2012-13**	I. SHYAM SUNDERAM-SC	28.07.1956	12.08.2013
17.	2012-13	K.L.NARASIMHA MURTHY	10.08.1955	12.08.2013
18.	2012-13	M. VISWESWARA RAO	28.08.1955	12.08.2013
19.	**2016-17**	K. GOVIND SHYAM	04.08.1957	01.09.2016
20.	2016-17	A.VENKATESWARA RAO	09.01.1957	01.09.2016
21.	2016-17	V. KOTESWARA RAO-SC	01.04.1957	01.09.2016

SHASHI BHUSHAN KUMAR
SECRETARY TO GOVERNMENT

ANNEXURE II to G.O.Ms.No.72, Water Resources (Ser.II) Department, Dated:07.11.2017

Sl. No.	**Panel Year**	**Name of the Superintendent Engineer S/Sri/Smt.**	**Date of Birth**
1.	**2017-18**	M. RAJAIAH	01.01.1958
2.	2017-18	M. GIRIDHARA REDDY	28.11.1957
3.	2017-18	K.L.N. SASTRY	25.12.1957
4.	2017-18	N. GEORGE BABU-SC	10.06.1958
5.	2017-18	P.G.V.V. KUMAR-SC	03.04.1959
6.	2017-18	V. VICTOR BABU-SC	01.07.1958
7.	2017-18	S.A. JABBAR	07.06.1958
8.	2017-18	K. SRINIVAS-SC	29.09.1962
9.	2017-18	G.B. SURESH KUMAR-SC	10.01.1962
10.	2017-18	R. SATISH KUMAR-SC	22.06.1962
11.	2017-18	K. VARADA RAJU-SC	25.07.1962
12.	2017-18	M. NARAYANA SWAMY-SC	10.06.1960
13.	2017-18	B. SUDHAKAR BABU-SC	04.05.1962
14.	2017-18	M. TRIMURTHYRAJU	28.07.1958
15.	2017-18	C. NARAYANA REDDY	25.07.1962
16.	2017-18	T.V.N.A.R. KUMAR	15.05.1963
17.	2017-18	R. MURALINADH REDDY	13.03.1962
18.	2017-18	B.K. NAGESWARA RAO	02.08.1962
19.	2017-18	S.K. VENKATA CHARYULU	20.09.1963
20.	2017-18	A.G.MALLIKARJUNA REDDY	24.06.1960
21.	2017-18	SYED MAQBOOL AHMED	02.07.1961
22.	2017-18	V. SREEDHAR	20.06.1962

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